## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

## CHAPTER 13 TRUSTEE'S MOTION TO VACATE ORDER TO DEPOSIT FUNDS INTO THE COURT REGISTRY (DOCKET # 126)

- 1. Movant is the chapter 13 trustee, William E. Heitkamp.
- 2. On February 6, 2015, the movant filed a motion seeking authority to pay funds into the registry of the Court pursuant to 11 U.S.C. §347.
- 3. The amount and the identity of the party entitled to the funds described in the order is:

KAREN AVERY \$8144.99

An order granting the motion was entered on February 10, 2015, at document #126.

- 4. Prior to issuing a check to the Clerk of Court in payment of the funds, the undersigned trustee located Karen Avery, and has made arrangements subject to Court approval, to deliver the funds to her in lieu of paying the funds into the registry.
- 5. The movant submits that payment of the funds directly to the debtor is the simplest and most expeditious method of distributing the funds to the proper party.
- 6. This motion seeks to have the Court vacate the order at docket # 126, which was signed on February 10, 2015.
- 7. The order was entered on the unopposed motion of the undersigned chapter 13 trustee upon notice given only to the United States Trustee, therefore the movant submits that no notice to parties other than the U.S. Trustee is necessary.

8. If the order is vacated, the movant will immediately issue a check to Karen Avery in the amount reflected in paragraph 3, above, and once the check has cleared, file a final report in this case.

Wherefore, the trustee prays that the Court vacate the order of February 10, 2015 (docket # 126), and authorize the trustee to take such action as necessary to close the case.

## RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp
William E. Heitkamp, Trustee
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## **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing was sent to the United States Trustee, on March 2, 2015 either electronically or via U.S. First Class Mail, postage prepaid.

/s/ William E. Heitkamp William E. Heitkamp, Trustee